

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126583/FO/2020

Date registered valid: 21 April 2020

Proposal: Erection of single storey rear extension to existing restaurant (A3 Use) to form additional storage area

Address: 478 Wilbraham Road, Manchester, M21 9AS

Ward(s): Chorlton Ward

Applicant: Fuad Sabbah, Raya Restaurant Services Ltd, Unit D2 Ennis Close, Roundthorn Industrial Estate, Manchester, M23 9LE

Agent (if any): Stephen Leighton, Leighton Architects, 21 Chandos Road, Manchester, M21 0SS

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 June 2020

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: Photos received 18th May 2020

Standard consultations: Printed: 24 April 2020 Expired: 15 May 2020

Neighbour notifications: Printed: 24 April 2020 Expired: 15 May 2020

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a, currently vacant, ground floor A3 unit within an established parade. The building it sits within is a red brick three storey terrace with residential flats in the two floors above the commercial units.

Description of area

Wilbraham Road is one of the main roads which runs through Chorlton District Centre, along with Barlow Moor Road. The area is predominantly retail/commercial, with some residential flats above the shop/bar units. The area is well serviced by buses and trams.

Description of development

The applicant wishes to build a single storey rear extension, to provide additional internal storage, along with externally accessed refuse storage space and a new extractor fan at the rear, for the new restaurant business moving into the premises.

Consultations & Notification Responses

Local residents and businesses, as per appendix 1 – No comments or objections received.

Environmental Health – No objection to the proposal but requested conditions relating to noise (from external equipment) and hours be attached (hours not appropriate in this instance).

Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2018)

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle – The principle of building a single storey rear extension to provide additional storage space for a restaurant is acceptable, however consideration must be given to the proposal's siting, scale and design and its impact upon amenity.

Siting, scale and massing – The single storey extension would be sited at the rear of the unit, using up the small amount of remaining curtilage beyond the previously built extension. This area of the site is not readily visible from the street, but is visible from the alleyway which separates it from the shopping centre to the east and the parking area which separates it from Graeme House to the north. The extension would project 4.34m to the rear, with a width of 6.1m and a flat roof height of 3m. Within this would be an internal store room and an externally accessed refuse storage area, with a fire exit running alongside. The extension is relatively small in scale, is considered subservient and the adjacent units already feature large extensions themselves, hence the siting, scale and massing of the proposal is considered appropriate, in line with policies DM1 and SP1.

Appearance and visual amenity – The extension would be constructed of brickwork and roofing to match the existing building, with metal security doors. The rear elevation would feature a fire exit door and a set of ventilated doors to the refuse storage area. On the rear elevation of the existing extension, sited above the new flat roof, would be a new extraction fan for the kitchen. There already exists similar many apparatus on this unit and those surrounding it as it is a common feature of commercial properties, particularly restaurants. There are no other windows, doors or apparatus proposed for the extension. The development would not be visible from Wilbraham Road, therefore it should not significantly harm the visual amenity of the unit nor surrounding parade, pursuant to policies DM1 and SP1.

Noise and refuse – Environmental Health requested a condition be attached (NSE6) to control the noise emanating from the proposed development, due to the inclusion of a new extractor fan mounted externally above the flat roof, which would be sited approximately 15m from the nearest residential dwelling/window. There are already several similar units mounted on the external walls of this building and a noise survey will need to be submitted to and approved by the City Council for this apparatus to ensure the occupiers of nearby flats are not to be disturbed by the proposed plant. This is a pre-commencement condition which has been accepted by the applicant. The original plans showed refuse being stored permanently within the shared alleyway between the development and the shopping centre, with no capacity for recyclable waste. This is not an acceptable solution, therefore negotiations took place and the resulting plans show the refuse, including recycled waste, to be stored within a purposed built

ventilated store within the applicant's curtilage. This has also been conditioned, in order to protect residential amenity pursuant to policies DM1 and SP1.

Conclusion – No objections were received in regards to this application and the relevant conditions have been attached to the end of this report, as requested by Environmental Health. The proposal complies with the policies contained within the Core Strategy, therefore the proposal is deemed acceptable by the City Council and development may commence in accordance with the following conditions.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and negotiations took place with the agent in order to reach a satisfactory solution.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the revised drawings numbered '20106/P01-C' and '20106/P/02-C', stamped as received by the City Council as Local Planning Authority on the 12th June 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The external elevations of the development hereby approved shall be built of materials to match the existing building, as specified within the submitted application form.

Reason - In the interests of the character and appearance of the building, and visual amenity of the street scene, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

4) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (L Aeq) below the typical background (L A90) level at the nearest noise sensitive location.

The scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The approved scheme shall be completed before the use commences.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria has been met. Any instances of non- conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5) The storage and disposal of waste shall be undertaken in accordance with the approved drawings and information submitted with the application and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

23 - 25 Chorlton Place, Manchester, M21 9AQ
482 Wilbraham Road, Manchester, M21 9AS
D K Sports, 1 Chorlton Place, Manchester, M21 1AQ
Shoe Repairs, 1 Chorlton Place, Manchester, M21 1AQ
Crockatt Cleaning, 1 Chorlton Place, Manchester, M21 1AQ
Ground Floor To Seventh Floor, Graeme House, Chorlton Place, Manchester, M21 1AQ
3 Chorlton Place, Manchester, M21 9AQ
Graeme House, Chorlton Place, Manchester, M21 1AQ
1 Chorlton Place, Manchester, M21 9AQ
482A Wilbraham Road, Manchester, M21 9AS
480 Wilbraham Road, Manchester, M21 9AS
21 Chorlton Place, Manchester, M21 9AQ
17 Chorlton Place, Manchester, M21 9AQ
19 Chorlton Place, Manchester, M21 9AQ
15 Chorlton Place, Manchester, M21 9AQ
11 - 13 Chorlton Place, Manchester, M21 9AQ
7 - 9 Chorlton Place, Manchester, M21 9AQ

5 Chorlton Place, Manchester, M21 9AQ
478A Wilbraham Road, Manchester, M21 9AS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - South Manchester PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less)

Area Team Boundary - Name: SOUTH